

1113/38/771

Translation of a letter from the Chief Procurator of the
Shanghai District Court No "Hun" 2569 of Feb. 9th, 1935.

read 11/2/35
trans 13/2/35
KVV

Dft reply herewith
A.B.B.
15/2

INDEXED

Sir,

杜蘇 叔

This Court is hearing the action of Tu Mei-shu
against Shih Te-chih and others for usurpation and has
summoned the parties for examination.

Tu Mei-shu states in evidence: "Shih Te-chih resides
at 9 Great Western Road, he is the discoverer of Shen-Kung-
Chi-Chung medicine (a trade name; literally, medicine for
curing illis by natural powers). He has established Yao Hua
dispensary and Yung Lung native Bank as his business. He is
a Chinese citizen and his name is Shih Te-chih. There is
his visiting card as proof. Further, in the preface,
written by himself, of the booklet recording testimonials
from people issued by his dispensary it says that the
manufacturer of the medicine is Shih Te-chih and also that
the medicine is a native commodity. It is obvious that he
has not divested himself of Chinese nationality. Again,
he is Chairman of the Board of Directors of Watson's Mineral
Water Company. If he is a foreigner, then he cannot act as
Chairman of Directors. In 1930 Cho Pi-ju sued him in the
Kiangsu and Branch High Court. He asked his lawyer to
appear in Court and ^{acknowledged} admitted that he was a Chinese citizen.
Now he does not acknowledge it, and obviously is craftily
repudiating (his Chinese national status)."

施 德 之

Again, according to a petition of Shih Yuan-ming; ~~petitioner~~
"Petitioner was born in the British territory
of Hong Kong. As his father and mother were both British
subjects, therefore he was registered at birth and acquired
British nationality. This fact can be corroborated at the
British Consulate-General at Shanghai. The three characters
Shih Te-chih written on the two former summons to him are
but the trademark of the Shen-Kung-Chi-Chung medicine, and

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are not a man's name. The desire was to convey the meaning of the medicine's bestowal of benefit."

Regarding the name Shih Te-chih, I observe that on examining the booklet of testimonials and other evidence produced by the plaintiff, it is obvious that there is no doubt that Shih Te-chih is a ~~xxx~~ person's name. Certainly (this fact) cannot be concealed by empty statements. However, as to whether this name is nothing but an additional name of Shih Yuan-ming, and as to whether he is registered and has acquired British nationality, each party differs in his statements about the facts, and this Court has no means of guessing (the truth).

I have the honour to request you to make investigations (on these points) and favour me with a reply, and avail etc.,

Chung Shang-ping.

Chief Procurator.

According to Mr. King, the manufacturer of the medicine is known to be one S. Talbot, - STAR TALBOT who is a registered British subject.

I think there is some correspondence about Talbot in our files.

Mr. Evans

Mr. Heaney

ADB

13/2

Hand attached. R. 11/2

see p. 116/372

E 1/201

4/12/27 - 270

Talbot, if I remember rightly, is a half-breed of undoubted British nationality has registered here for at least 12 years. 1926 we had some correspondence about the protection of his registered trade for this cholera-medicine

ADB

DRAFT ADB/EMB

English and Chinese.

18th February, 1935.

P 19/2

Sir,

With reference to your letter No. "han" 2569 of February 9th, I have the honour to inform you that the individual to whom you refer is registered at this Consulate-General as a British subject under the name of Star Talbot. It appears from my records that he was born at Hongkong, his father having been born in England.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

(Sd.) J.F. Brennan.

Consul-General.

Chief Procurator,
Shanghai District Court.

The "Shih Te" of medicine is for the Chinese brand of "STAR".

Copied, also known personally as "Mr. of Chinese" type. I see from past photo that distinctly like

8/3

吳興登律師
DR. JAMES WOO
Attorney & Counsellor-at-law
Office
No. 157 Avenue Duhal
Tel. 80912
Shanghai, China.

1171/357776
Shanghai, 15th February 1935.

British Consulate General
33 The Bund
Shanghai.

see minutes on 11771/C3

Abb
15/2

And. 1/2
- att.

Sir,

I have the honour to inform you that my client
has a very urgent criminal case against Mr. Sze Teh Tee (施德之)
who declares himself to be under the protection of your Con-
sulate General.

I would appreciate it very much if you will kindly
inform me whether the above mentioned person is really enjoy-
ing the jurisdiction of H.M.'s Consular Court.

Thanking you in anticipation,

I am, Sir,

Yours respectfully

James Woo

DRAFT ADB/FMB

1758/35/4. 776
British Consulate-General,

Shanghai.

18th February, 1935.

P. 70/2

1-776
Sir,

With reference to your letter of February 13th regarding the nationality of a Mr. Sze Teh Tee, I am directed by His Majesty's Consul-General to inform you that the person to whom you refer is registered at this Consulate-General as a British subject under the name of Star Talbot. It appears from my records that he was born in Hongkong, his father having been born in England.

A similar enquiry has been received from the Procurator of the Shanghai District Court. — 776

I am,

Sir,

Your obedient servant,

(Sd.) A.D. Blackburn.
Consul.

WOO,
Avenue Dubail,
Shanghai.

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2661/35/793

INDEXED

R.

Unit

From the Chief Procurator, Shanghai District Court.

RA Series, No. 3220 of April 5th.

Received and translated April 8th.

Sir,

I have the honour to inform you that this Office is dealing with the case of Tu Wei Shu versus Shih Te Chih et. al., usurpation and fraud. In a previous letter I enquired whether the name Shih Te Chih was an additional name of Shih Yean Ming, and whether he has obtained British nationality. On receipt of your reply to the effect that the individual referred to was registered at your Consulate-General as a British Subject under the name of Star Talbot, I decided that this Office had no right to deal with this case, which was therefore not brought up, and my decision communicated (to the parties concerned.)

The plaintiff has objected to this decision, and has requested me to reconsider it for the following reasons:-

it is or is not a fact that
"This case hinges on whether the defendant, Shih Te Chih, has actually obtained the status of a British Subject, and whether your Court has the right to deal with this case. ~~With regard to the following considerations~~ It is submitted that the following considerations will settle these questions.

(1) With regard to the transaction of business

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"business by the defendant, Shih Te Chih.

"The defendant Shih Te Chih is a native of
"Kwantung. He has acted as a director of the
"Kwantung Natives Guild at Shanghai, and has long
"been in business at Shanghai, all of which is well
"known to the public. The following are among the
"largest businesses transacted by him using a Chinese
"name:-

(a) Shih Te Chih Medical Water, which was in-
"vented by the defendant. The factory is situated at
"No. 2 Great Western Road, which is also the defendant's
"residence. His distributing office is in Wanking Road.
"The registered Trade-Mark of this medicine is his own
"photograph. In the booklet recording testimonials are
"letters from various organizations, all of which are addressed
"to Mr. Te Chih, which can be used to prove the above.
(i.e. that he uses a Chinese name to do business)

(b) Watson's Mineral Water Co., Ltd., is one of the
"most famous concerns promoted by Chinese merchants in
"Shanghai. Article 2. of this factory's regulations state
"that the company is registered according to the Chinese
"Limited Companies Ordinance (中華民國民律有限公司條例). Article
"3. states that share-holders shall be limited to Chinese
"and Nationals. The defendant, Shih Te Chih, is Chairman
"of the Board of Directors of this factory, which can be
"ascertained by reference to the company's regulations.

(2) With regard to the defendant Shih Te Chih's
"submission to the jurisdiction of Chinese Courts.

"In April, 1932, the defendant was sued by Wu Yüan Fu
"for defamation of character. This case was brought up
"before the criminal department of your Court, which dealt with
"the matter. Also in 1930 he was sued for debt by Chu Pi Ju
"in the former Provisional Court, and an appeal was heard

by XXXX Kiangsu Second

/by

2.

"by the Kiangsu Second Branch High Court.
"The record of these cases can ^{easily} be investi-
"gated. That is to say that this is not the
"first time the Shih Te Chih, who now calls
"himself a British Subject, has been before
"the Chinese Courts.

(3) With regard to the British Consu-
"late.

"After this case was started, the plain-
"tiff, ^{appointed} ~~accompanied~~ by Lawyer Wu Kai Sheng,
"went and interviewed the British Consul,
"who stated that, with regard to Shih Te
"Chih's nationality ^{was} ~~everything~~ as stated
"by the plaintiff ~~was true~~, the British
"Consulate would not object if the case
"were to be heard by the Chinese Court, and
"moreover, that the British Consul had ~~expressly~~
"repeatedly urged Mr. Chih to attend in the
"Chinese Court. On this point, I request
"your Court to send an official to make
"detailed enquiry of the British Consulate,
"and also to summon the Lawyer Wu to the
"Court to describe the circumstances of the
"interview in order to confirm it.

"The reply of the Consulate to your
"Court is not only obscurely worded, but
"moreover the name given, Star Talbot, is
"quite different from the defendant's
"name, Shih Te Chih. Further, it differs
"from the defendant's own statement that

/Shih

"Shih Te Chih is the Trade-Mark of the 'Shen Kung
"Chi Chung Medicine. It is difficult to ascertain
"whether this name is that of a shop or that of a man.

"To sum up, it is in every case possible to
"prove that Shih Te Chih is truly a Chinese national.
"There is therefore no doubt that your Court has the right
"to deal with this case."

I have the honour to observe that, with regard to
the question of the nationality of the defendant, Shih Te Chih,
the statements made by the plaintiff all correspond to the
evidence submitted to this Office. There is sufficient reason
to recognise the defendant as a Chinese national.

I therefore have the honour to request you to inform
me whether Shih Te Chih has fraudulently used the name Star
Talbot to trick the British Consulate into registering him as
a British Subject, and whether the plaintiff, ^{affiliated} ~~accompanied by~~
lawyer Wu K'ai Sheng, negotiated this matter with your Consulate
(as reported above) and whether you have repeatedly ordered Mr.
Shih to attend this Court.

I have the honour to request you to investigate, and
to favour me with a reply.

I avail &c.,

(sd) Chung Shang Ping,

Chief Prosecutor.

Star Talbot.

son of former Secretary of
Consulate in Hongkong, &
European British subject. His
name was Chinese. He is 70
or old.

"Shih Te Chih is the Trade-Mark of the Shen Kung
"Chi Chung Medicine. It is difficult to ascertain
"whether this name is that of a shop or that of a man.

"To sum up, it is in every case possible to
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I avail &c.,

(ed)

DRAFT ADE/MGJ

In Chinese
and English

Translated. 13th April 1935.

11/18

Sir,

I have the honour to acknowledge the receipt
of your letter ~~11~~ Series No. 3220 of April 6th regard-
ing the case brought by Tu Mei Shu against Shih Te Chih
et al for usurpation and fraud.

You ask me to inform you whether Shih Te Chih
has fraudulently used the name Star Talbot to trick
this Consulate into registering him as a British sub-
ject. On this point I would venture to observe that
the person who is named as the accused in the case to
which you refer is Star Talbot. I would add that Star
Talbot was born in Hongkong, his father being a British
subject of European race who was born in England, and
neither Star Talbot nor his father ever lost their
British nationality. Therefore under British law Star
Talbot is most certainly a British subject while under
Chinese law he is equally certainly not a Chinese
citizen, so that no question of dual nationality arises.

With regard to the allegations that he has
functioned as a Director of the Cantonese Guild, and has
submitted to the jurisdiction of the Chinese Courts on
former occasions etc. while I regard such activities as
reprehensible on the part of a British subject, they do
not affect the question of his nationality.

With regard to the interview which took place
at this Consulate-General between Lawyer Wu Kai-sheng
and/

The Chief Procurator,
Shanghai District Court.

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and Mr. Consul Blackburn, I am afraid there is some misunderstanding. While Mr. Blackburn was anxious to do all in his power to bring about a settlement of the dispute, he did not admit that your Court had any right to assume jurisdiction over the accused.

In short, Star Talbot is a British subject and is not a Chinese citizen and therefore your original decision that you had no jurisdiction is the correct one.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

(SIGNED) J.F.BRENNAN.

Consul-General.